

PROPERTY TAX APPEAL BOARD'S DECISION

APPELLANT: Mark & Susan Goodman
DOCKET NO.: 06-00618.001-R-1
PARCEL NO.: 12-21-402-040

The parties of record before the Property Tax Appeal Board are Mark & Susan Goodman, the appellants; and the Lake County Board of Review.

The subject property consists of a 70,621 square foot parcel improved with a one and three-quarter-story style brick dwelling that was built in 2004 and contains 5,046 square feet of living area. Features of the home include central air-conditioning, two fireplaces, a 720 square foot garage and full basement with 600 square feet of finished area. The subject is located in Lake Bluff, Shields Township, Lake County.

Appellant Mark Goodman appeared before the Property Tax Appeal Board claiming unequal treatment in the assessment process regarding the subject's improvements and overvaluation as the basis of the appeal. In support of the inequity contention, the appellants submitted photographs and a grid analysis of nine comparable properties. The comparables consist of one and one-half-story, two-story, or part two-story and part three-story dwellings of brick, frame, stucco, or stone and frame exterior construction that were built between 1995 and 2004 and range in size from 3,579 to 6,493 square feet of living area. Features of the comparables include central air-conditioning, one to four fireplaces, garages that contain from 528 to 1,014 square feet of building area and full or partial basements, six of which have finished areas ranging from 756 to 2,680 square feet. These properties have improvement assessments ranging from \$384,518 to \$705,963 or from \$64.14 to \$108.73 per square foot of living area. The subject has an improvement assessment of \$550,014 or \$109.00 per square foot of living area.

In support of the overvaluation contention, the appellants' petition indicated that construction of the subject dwelling was

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Based on the facts and exhibits presented, the Property Tax Appeal Board hereby finds no change in the assessment of the property as established by the Lake County Board of Review is warranted. The correct assessed valuation of the property is:

LAND:	\$	242,959
IMPR.:	\$	550,014
TOTAL:	\$	792,973

Subject only to the State multiplier as applicable.

completed in 2004, but no land value was included. The appellants also submitted a letter prepared by the general contractor which disclosed the cost to construct the subject dwelling was \$1,316,402, not including architect's fees. In the letter, the contractor opined the subject does not have "unusual or expensive architectural elements or high-end brand name fixtures or kitchen that would mark the highest level of quality." Based on this evidence, the appellants requested the subject's total assessment be reduced to \$722,329 and its improvement assessment be reduced to \$479,370 or \$95.00 per square foot of living area.

During the hearing, appellant Mark Goodman testified the comparables submitted by the board of review had superior locations and were of higher quality when compared to the subject. The appellant also testified he bought the subject lot for \$1,000,000, but that this price did not accurately reflect the land value because it included an older home on the property which was subsequently razed so that the new dwelling could be constructed. Under questioning by the Hearing Officer, the appellant acknowledged the lot purchase was an arms-length transaction. The appellant also acknowledged the architect's fee for the new subject dwelling was about \$3.00 per square foot, or approximately \$15,000.

The board of review submitted its "Board of Review Notes on Appeal" wherein the subject's total assessment of \$792,973 was disclosed. The subject has an estimated market value of \$2,386,317, as reflected by its assessment and Lake County's 2006 three-year median level of assessments of 33.23%.

In support of the subject's improvement assessment, the board of review submitted the subject's property record card and property record cards and a grid analysis for three comparable properties located in the same assessor's assigned neighborhood code as the subject. The comparables consist of one and three-quarter-story, two-story, or two and one-quarter-story dwellings of brick, stone and frame, or stucco exterior construction that were built in 1996 or 2000. The comparables range in size from 5,567 to 6,212 square feet of living area and have features that include central air-conditioning, three or four fireplaces, garages that contain from 828 to 1,188 square feet of building area and full basements with finished areas ranging from 1,456 to 1,949 square feet. These properties have improvement assessments ranging from \$660,238 to \$727,615 or from \$112.46 to \$123.58 per square foot of living area. The subject's property record card indicated the subject lot sold in June 2002 for \$1,037,500.

The board of review submitted no evidence in support of the subject's estimated market value or to refute the appellant's

overvaluation argument based on recent construction of the subject dwelling. Based on this evidence the board of review requested the subject's total assessment be confirmed.

During the hearing, the board of review called Jill Landry and Kelly Ugaste, both of whom are deputy assessors of Shields Township, to testify. Landry testified she was familiar with the subject and its neighborhood and had walked through the new subject dwelling and considered it to be of high quality construction. Ugaste testified she had visited the appellant's comparable 1 and noted it had structural problems and that an adjustment was made to that property's assessment for poor quality construction. Ugaste also testified the appellant's comparable 4 also had quality problems with water damage causing rotting floors and that this property was on a slab foundation, rather than on a basement, which is far more common for houses of this type.

In cross examination, appellant Mark Goodman questioned Landry about how assessors make judgments concerning construction quality. The witness responded that such factors as foundation depth, ceiling heights, exterior construction materials, interior moldings and the like are considered. The witness further responded that the subject's improvement assessment had been reduced by the board of review and that now the assessment was similar to several of the appellants' comparables.

After hearing the testimony and considering the evidence, the Property Tax Appeal Board finds that it has jurisdiction over the parties and the subject matter of this appeal. The Property Tax Appeal Board further finds that a reduction in the subject's assessment is not warranted. The appellants' argument was unequal treatment in the assessment process. The Illinois Supreme Court has held that taxpayers who object to an assessment on the basis of lack of uniformity bear the burden of proving the disparity of assessment valuations by clear and convincing evidence. Kankakee County Board of Review v. Property Tax Appeal Board, 131 Ill.2d 1 (1989). The evidence must demonstrate a consistent pattern of assessment inequities within the assessment jurisdiction. After an analysis of the assessment data, the Board finds the appellants have not overcome this burden.

The Board finds the parties submitted twelve comparables for its consideration. The Board gave less weight to the appellants' comparable 3 because it was significantly smaller in living area when compared to the subject. The Board gave less weight to the appellants' comparable 6 because its stucco exterior differed from the subject's all brick exterior. The Board gave less weight to the appellants' comparables 4 and 9 and the board of review's comparable 3 because these properties were significantly

larger in living area than the subject. The Board finds seven comparables were similar to the subject in terms, of design, size, age and most amenities and had improvement assessments ranging from \$93.42 to \$123.58 per square foot of living area. The subject's improvement assessment of \$109.00 per square foot of living area falls within this range. The Board thus finds the evidence in the record supports the subject's assessment.

The constitutional provision for uniformity of taxation and valuation does not require mathematical equality. A practical uniformity, rather than an absolute one, is the test. Apex Motor Fuel Co. v. Barrett, 20 Ill.2d 395 (1960). Although the comparables presented by the parties disclosed that properties located in the same area are not assessed at identical levels, all that the constitution requires is a practical uniformity, which appears to exist on the basis of the evidence.

The appellants also argued overvaluation as a basis of the appeal. When market value is the basis of the appeal, the value must be proved by a preponderance of the evidence. National City Bank of Michigan/Illinois v. Illinois Property Tax Appeal Board, 331 Ill.App.3d 1038 (3rd Dist. 2002). After analyzing the market evidence submitted, the Board finds the appellants have failed to overcome this burden.

The appellants argued the subject's assessment did not reflect its market value based on recent construction of the subject's improvements. Appellant Mark Goodman testified he had paid \$1,000,000 for the subject lot in 2002, but that this price did not reflect the lot's market value because the sale included an older home which was demolished so that the new subject dwelling could be built. However, the appellant admitted the sale of the subject lot was an arms-length transaction. The subject's property record card disclosed the June 2002 sale of the subject lot was actually \$1,037,500. The appellants also submitted a letter from the general contractor who built the new subject dwelling. In the letter, the contractor stated the total cost of constructing the house and garage was \$1,316,402. However, the appellants' petition indicated architect's fees were not included in this total. During the hearing, Appellant Mark Goodman acknowledged the architect's fee was about \$3.00 per square foot, or approximately \$15,000 for the subject's 5,046 square feet.

The Board finds no evidence or testimony in the record that supports the appellants' contention that the sale of the subject lot in 2002 for \$1,037,500 did not reflect the subject's land value as of the subject's assessment date of January 1, 2006. When this land sale price is added to the total construction cost of the subject's improvements of \$1,316,402 and the architect's fee of \$15,000, the total equals \$2,368,902. The subject's

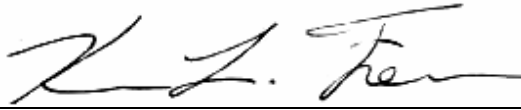
estimated market value as reflected by its 2006 assessment is \$2,386,317, a difference of \$17,415. Since the subject lot sold in 2002 and the subject's improvements were constructed in 2004, the Board finds such a modest appreciation in the subject's estimated market value as of the January 1, 2006 assessment date is reasonable.

In conclusion, the Property Tax Appeal Board finds the appellants have failed to prove unequal treatment in the assessment process by clear and convincing evidence, or overvaluation by a preponderance of the evidence and the subject's assessment as determined by the board of review is correct.


This is a final administrative decision of the Property Tax Appeal Board which is subject to review in the Circuit Court or Appellate Court under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et seq.) and section 16-195 of the Property Tax Code.



Chairman



Member



Member



Member



Member

DISSENTING: _____

C E R T I F I C A T I O N

As Clerk of the Illinois Property Tax Appeal Board and the keeper of the Records thereof, I do hereby certify that the foregoing is a true, full and complete Final Administrative Decision of the Illinois Property Tax Appeal Board issued this date in the above entitled appeal, now of record in this said office.

Date: April 25, 2008



Clerk of the Property Tax Appeal Board

IMPORTANT NOTICE

Section 16-185 of the Property Tax Code provides in part:

"If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the Board of Review or after adjournment of the session of the Board of Review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of written notice of the Property Tax Appeal Board's decision, appeal the assessment for the subsequent year directly to the Property Tax Appeal Board."

In order to comply with the above provision, YOU MUST FILE A PETITION AND EVIDENCE WITH THE PROPERTY TAX APPEAL BOARD WITHIN 30 DAYS OF THE DATE OF THE ENCLOSED DECISION IN ORDER TO APPEAL THE ASSESSMENT OF THE PROPERTY FOR THE SUBSEQUENT YEAR.

Based upon the issuance of a lowered assessment by the Property Tax Appeal Board, the refund of paid property taxes is the responsibility of your County Treasurer. Please contact that office with any questions you may have regarding the refund of paid property taxes.